UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:07-cv-231

C. BURGESS,

Plaintiff,

vs.

EFORCE MEDIA, INC.; IWIZARD HOLDING, INC.; ADKNOWLEDGE, INC.; BASEBALL EXPRESS, INC.; ALLEN-EDMONDS SHOE CORPORATION; INTERSEARCH GROUP, INC.; TRUSCO MANUFACTURING COMPANY; PRICEGRABBER.COM, INC.; SHOPZILLA, INC.; DAZADI, INC.; SIX THREE ZERO ENTERPRISES, LLC,

Defendants.

DEFENDANT BASEBALL EXPRESS, INC.'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT

NOW COMES the Defendant, Baseball Express, Inc., by and through the undersigned counsel, within five (5) days of the filing of the Notice of Removal, pursuant to Rule 6 of the Federal Rules of Civil Procedure, and hereby moves the Court for an extension of time within which to answer or otherwise respond to the Complaint served on May 25, 2007. This Defendant moves for an extension of time for thirty (30) days up to and including July 27, 2007. In support of this Motion, the undersigned shows unto the Court as follows:

1. This action was commenced in the General Court of Justice, Superior Court Division, Polk County, North Carolina. The Complaint was filed on or about May 22, 2007, and was designated File No. 07-CVS-131.

2. Plaintiff asserts claims against some of the Defendants for an alleged violation of the Federal CAM-SPAM Act, 15 U.S.C. §7701 et seq., and asserts state law causes of action against other Defendants.

3. A Notice of Removal was filed on behalf of all the Defendants on June 25, 2007.

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4. The time for answering or otherwise responding to the Complaint has not expired.

5. The undersigned counsel was recently retained to represent Baseball Express, Inc. and, therefore, is in need of additional time in which to investigate the allegations contained in the Complaint and to properly prepare an answer or otherwise respond to the Plaintiff's Complaint.

6. The undersigned counsel spoke with Plaintiff on June 27, 2007 regarding an extension of time to answer, and Plaintiff has consented to an extension of time to answer through July 27, 2007.

7. This Motion is made in good faith and is not being made for the purpose of unreasonably delaying this matter.

WHEREFORE, the Defendant Baseball Express, Inc., respectfully requests an extension of time for thirty (30) days, up to and including July 27, 2007, in which to answer or otherwise respond to the Complaint in this matter.

This the 29th day of June, 2007.

POYNER & SPRUILL LLP

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COUNSEL FOR BASEBALL EXPRESS INC..

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed a copy of the foregoing ***DEFENDANT BASEBALL EXPRESS, INC.'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT*** with the Clerk of Court using the ECF system that will send notification thereof to the following:

Kenneth R. Raynor	ken@templetonraynor.com
Jacqueline Grant	jgrant@roberts-stevens.com
Brain Heslin	brianheslin@mvalaw.com
Jennifer F. Revelle	jrevelle@rbh.com
Mary Euler	meuler@mwbavl.com

I have further served a copy of the foregoing ***DEFENDANT BASEBALL EXPRESS, INC.,'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT*** and attachments thereto on Plaintiff by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, addressed to:

C. Burgess
POB 6355
Hendersonville, NC 28793

This the 29th day of June, 2007.

By: s/Keith H. Johnson